

REMARKS

The claims have not been amended. Accordingly, claims 1, 2, 4, and 5 are currently pending in the application, of which claims 1 and 5 are independent claims.

Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,366,026 issued to Saito et al. ("Saito") in view of U.S. Patent No. 5,726,677 issued to Imamura ("Imamura") and further in view of U.S. Patent No. 6,288,496 issued to Suzuki et al. ("Suzuki"). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action Examines Incorrect Claim Language

As a preliminary matter, Applicants respectfully submit that the rejection of claims 1 and 5 must be withdrawn because the Office Action examines claims 1 and 5 as those claims were before they were amended on October 20, 2006. Specifically, claim 1 was amended on October 20, 2006 as follows:

said column driving circuit controls a current flowing in said data electrodes such that [[a]] the current through said ~~light-emitting elements~~ data electrodes is proportional to the number of simultaneously driven scanning electrodes

Thus, claim 1 was amended by changing "light emitting elements" to "data electrodes." But the Office Action examines claim 1 as if it still recited "light emitting elements." For example, the Office Action states "a current flowing in said data electrodes such that *said light emitting element* is proportional to the number of simultaneously driven scanning electrode" (Page 3, lines 4-5, emphasis added); "the current flowing in the data electrodes such that *said*

light emitting element is proportional to the number of simultaneously driven scanning electrode" (Page 4, lines 1-2, emphasis added); and "Suzuki discloses a *light emission luminance* of the display device *is proportional* to the current ..." (Page 4, lines 4-5, emphasis added). Consequently, the Office Action does not examine the invention recited in claim 1 and must be withdrawn for at least this reason.

Claim 5, which was amended similar to claim 1, was rejected on the same basis as claim 1. Thus, the rejection of claim 5 shares the same deficiencies as the rejection of claim 1.

The Office Action Fails to Establish a Prima Facie Case of Obviousness

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 550 U.S. __, slip op. at 14-15 (2007). Thus, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest all of the claim limitations. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that there is no persuasive reason for combining Saito and Imamura in the manner the Office Action suggests. Saito's Abstract notes that the inventive display device is specifically designed "without using frame buffers for temporarily storing data to be displayed." On the other hand, Imamura's driving scheme utilizes memory. For example,

frame memories 252-1 and 252-N are used to supply display data to plural signal electrodes. (Figure 1; col. 5, lines 35-38). Thus, Saito teaches away from this combination. Consequently, there is no persuasive reason to combine Saito and Imamura as the Office Action suggests.

Furthermore, Applicants respectfully submit that there is no persuasive reason to combine Suzuki with Saito and Imamura in the manner the Office Action suggests. Suzuki's Abstract states that "[w]hen the scanning and data electrodes are driven, a given non-selection time is provided between driving one electrode and driving the next electrode." Here, a person of ordinary skill in the art would not combine the teachings of Suzuki with Saito/Imamura because Suzuki explicitly provides a non-selection time "between driving one electrode and driving the next electrode," but Imamura teaches driving multiple electrodes simultaneously. Consequently, there is no persuasive reason to combine Suzuki, Saito, and Imamura as the Office Action suggests.

Even if the references are combined, the combination fails disclose or suggest every claimed feature. Specifically, claim 1 recites *inter alia*:

said column driving circuit controls a current flowing in said data electrodes such that the current *through said data electrodes* is proportional to the number of simultaneously driven scanning electrodes (emphasis added)

Similarly, claim 5 recites *inter alia*:

controlling the current flowing in said data electrodes such that the current *through said data electrodes* is proportional to the number of simultaneously driven scanning electrodes (emphasis added)

Applicants respectfully submit that Saito, Imamura, and Suzuki, alone or in combination, fail to disclose at least these features. Although the Office Action correctly acknowledges that Saito and Imamura fail to disclose these features, the Office Action mistakenly relies upon Suzuki to cure this deficiency. Suzuki does not teach simultaneously driving scanning electrodes. In fact, Suzuki provides "a given non-selection time ... between driving one

electrode and driving the next electrode" (Abstract). Thus, Suzuki can not possibly teach a current in the data electrodes that "is proportional to the number of simultaneously driven scanning electrodes."

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1 and 5. Claims 2 and 4 are allowable at least because they depend from an allowable claim 1. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1 and 5, and all the claims that depend therefrom, are allowable.

Interview Summary

Applicants thank the Examiner for the courtesies extended during the interview of September 10, 2007. During the interview, Applicants' representative and the Examiner discussed the incorrect claim language examined in the Office Action as noted above. The Examiner asked Applicants' representative to note these inconsistencies in the Remarks of the filed Response so that the Examiner could carefully review the current rejections.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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